

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 BRET ALAN HUMPHRIES,

8 Defendant.

Case No. 2:14-cr-0279-APG-VCF

**ORDER ACCEPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION ON MOTION TO
DISMISS**

(ECF Nos. 150, 154)

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10 Defendant Bret Alan Humphries moved to dismiss the indictment against him. ECF No.
11 150. Magistrate Judge Ferenbach entered his Report and Recommendation recommending that the
12 motion should be denied. ECF No. 154. Humphries filed an Objection to the Report and
13 Recommendation. ECF No. 157.¹ Pursuant to Local Rule IB 3-2(b), I have conducted a *de novo*
14 review of the motion to dismiss and related papers. Magistrate Judge Ferenbach's Report and
15 Recommendation recites the correct legal and factual bases for his decision. I agree with his
16 analysis, and adopt it as my own.²

17 IT IS HEREBY ORDERED that Mr. Humphries' objection (ECF No. 157) is overruled,
18 Magistrate Judge Ferenbach's Report and Recommendation (**ECF No. 154**) is **accepted**, and Mr.
19 Humphries' motion to dismiss (**ECF No. 150**) is **denied**.

20 Dated: April 13, 2018.

21 
22 ANDREW P. GORDON
23 UNITED STATES DISTRICT JUDGE

24
25 ¹ Humphries also filed a reply in support of his objection. That violates Local Rule IB 3-2(a)
which states that "[r]eplies will be allowed only with leave of court."

26 ² Mr. Humphries first objects that Judge Ferenbach did not make a finding whether the motion to
27 dismiss was timely. ECF No. 157 at 3-4. Judge Ferenbach's Report and Recommendation rules
28 on the merits of Humphries' motion. I thus presume that Judge Ferenbach overlooked any
untimeliness and declined the Government's invitation to deny the motion as untimely. I thus,
reject this objection as moot.